REMARKS/ARGUMENTS

I. Introduction:

Claims 1, 5, 9, and 14 are amended and claim 21 is canceled herein. With entry of this Amendment, claims 1-9, 11, 13, 14, 16, 18, 19, and 22-23 will be pending.

The courteous telephone interview granted applicants' undersigned attorney by Examiner Douglas Blair on October 3, 2006 is hereby respectfully acknowledged. A proposed amendment to overcome the 35 U.S.C. 112 rejection was presented to the Examiner. Also, the 35 U.S.C. 102 rejection was discussed. The Examiner agreed that the proposed amendment overcame the 35 U.S.C. 112 rejection. The Examiner also generally agreed that applicants' invention, as set forth in the claims is not anticipated by U.S. Patent No. 6,963,911 and requested that the arguments presented in the interview be submitted in a response to the final Office Action.

II. Claim Rejections – 35 U.S.C. 112:

Claims 1 and 5 have been amended to clarify that the new network element dependent module, network element independent module, and network management application are stored at the same node.

Claims 9 and 14 have been amended to clarify that the network element dependent module is executed at the same node running a network management application.

As amended, claims 1, 5, 9, and 14 are believed to comply with 35 U.S.C. 112.

III. Claim Rejections – 35 U.S.C. 102:

Claims 1-9, 11, 13, 14, 16, 18, 19, and 22-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,963,911 (Gebhardt).

Gebhardt discloses distributed element network management. Code necessary for the integration of the elements into the network is contained in managed elements within the network. A network proxy polls the elements to determine the presence of a new element or a revision to the code of an existing element. When found, code is copied from the element to the proxy, which serves as an interface between the elements and a network management system (see Fig. 1). The proxy contains information and conversion routines necessary to translate commands from the NMS to the native protocols of the network element, send the translated request to the element, retrieve a response, and build and transmit a response back to the NMS.

Gebhardt does not disclose a network element dependent module, network element independent module, and network management application stored together at the same node so that the node is operable to communicate directly with the new network element, as set forth in claims 1 and 5. In contrast to applicants' invention, Gebhardt uses a proxy that contains very little information regarding the managed elements. Gebhardt's network management station, which contains the network management application, must communicate with the proxy because the sub-agents are stored at the proxy separate from the network management application. Since the network management station does not contain the sub-agents, it cannot communicate directly with the managed elements.

Applicants' invention allows any of the network elements to operate the network management application, without the need for a separate device operating as a proxy between the network element running the network management application and the managed elements. Once the network management application is running locally at a network device, it can connect directly to each of the network elements in

the network and download any additional specific code (network element dependent module) that it needs to access the specific features of a network element.

Accordingly, claims 1 and 5 are submitted as patentable over Gebhardt. Claims 2-4, 19, and 22-23, depending from claim 1, and claims 6-8, depending from claim 5, are submitted as patentable for at least the reasons discussed above with respect to claim 1.

Claims 9 and 14, and the claims depending therefrom, are submitted as patentable for the same reasons as claim 1.

IV. <u>Conclusion</u>:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

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